

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0343-19

SPONSOR: Eugenia Charles-Newton

**TITLE: An Action Relating To Law And Order; Denying Recommendation For Permanent Appointment Of Victoria R. Yazzie As Navajo Nation District Court Judge; Recommending Removal By President**

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 7343-19

**DATE:** October 25, 2019

**TITLE OF RESOLUTION:** AN ACTION RELATING TO LAW AND ORDER;  
DENYING RECOMMENDATION FOR PERMANENT APPOINTMENT OF VICTORIA  
R. YAZZIE AS NAVAJO NATION DISTRICT COURT JUDGE; RECOMMENDING  
REMOVAL BY PRESIDENT

**PURPOSE:** This resolution, if approved, would deny the recommendation for Permanent Appointment of Victoria R. Yazzie as Navajo Nation District Court Judge. It will recommend removal by the President, Navajo Nation.

**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: 2888  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 11/24/19  
Eligible for Action: 11/25/19

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2019

3 INTRODUCED BY

4   
5 \_\_\_\_\_  
6 Primary Sponsor

7 TRACKING NO. 0343-19

8  
9 AN ACTION

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11 RELATING TO LAW AND ORDER; DENYING RECOMMENDATION FOR  
12 PERMANENT APPOINTMENT OF VICTORIA R. YAZZIE AS NAVAJO NATION  
13 DISTRICT COURT JUDGE; RECOMMENDING REMOVAL BY PRESIDENT

14  
15  
16 **Section One. Authority**

- 17  
18 A. The Navajo Nation established the Law and Order Committee as a Navajo Nation  
19 standing committee. 2 N.N.C. § 600(A). The committee, pursuant to 2 N.N.C. §  
20 601(C)(1), serves as oversight over the Judicial Branch of the Navajo Nation.
- 21  
22 B. Pursuant to 2 N.N.C. § 601(B)(3), the Law and Order Committee has the statutory  
23 duty "to review and evaluate the performance of probationary and permanent judges  
24 and justices."

25 **Section Two. Findings**

- 26  
27 A. Victoria R. Yazzie was confirmed by the Navajo Nation Council as a probationary  
28 District Court Judge on January 30, 2013. *CJA-07-13*, incorporated herein by this  
29 reference.
- 30 B. All appointed Navajo Nation District Court Judges are required to serve a  
probationary period of two years. 7 N.N.C. § 356. "[A]t the conclusion of the two-

1 year probationary term, the Law And Order Committee "reviews the record and  
2 qualifications" of the probationary Judge to determine whether he or she has  
3 "satisfactorily completed the probationary term." In the event the Law and Order  
4 Committee determines that the probationary judge has not satisfactorily completed  
5 this probationary term, the judge is not recommended for permanent appointment.  
6 The law states, probationary judges must "successfully complete[] a course of  
7 training accredited for judges and ... receive[] a satisfactory performance evaluation  
8 from the Chief Justice and the [Law and Order] Committee of the Navajo Nation  
9 Council at the conclusion of the probationary Justice's or Judge's two-year  
10 probationary term." 7 N.N.C. § 355(E). According to the Navajo Supreme Court,  
11 "the committee makes an independent determination of the training requirement and  
12 whether the probationary judge has performed satisfactorily over the two-year  
13 probationary term." *In re: Certified Questions II*, 6 Nav.R. 105, 108 (Nav.Sup.Ct.  
14 1989).

15 C. Victoria R. Yazzie has completed her two-year probationary term as District Court  
16 Judge. Pending probationary proceedings and the determination of whether or not  
17 she would be recommended for permanent appointment, she continued her duties  
18 serving as judge.

19 D. The Law and Order Committee of the Navajo Nation Council has completed its  
20 review of the record and its evaluation of Victoria R. Yazzie as probationary District  
21 Court Judge. The committee has also concluded public hearings on the matter,  
22 hearings in which sworn testimony was provided by community members. See,  
23 LOCJY-08-13 (*Hearing Rules on Evaluation of the Performance of Probationary*  
24 *Judges and Justices*), incorporated herein by this reference. Public hearings are  
25 necessary as "the public [has] an overwhelming and compelling interest in" the  
26 selection of judges. *In re: Certified Questions II*, 6 Nav.R. 105, 107 (Nav.Sup.Ct.  
27 1989). Further, "Navajo sovereignty is strengthened by a strong and independent  
28 judiciary." *Id.*

29 E. Under Navajo Nation law, "the President shall not appoint to a permanent position  
30 any probationary ... judge not recommended by the [Law and Order] Committee." 7

1 N.N.C. § 355(E). The Navajo Supreme Court has held that a probationary District  
2 Court judge who is not recommended by the committee "must be removed" by the  
3 President. *In re: Certified Questions II*, 6 Nav.R. 105, 106 and 107 (Nav.Sup.Ct.  
4 1989). The President is "required to follow the .... Committee's recommendation of  
5 denial," and, "[n]o further removal proceeding is required." *Id.* at 108.

6 F. Upon review of the record, the documents submitted and the sworn testimony provided at the  
7 public hearings conducted, the Law and Order Committee finds the performance of Victoria  
8 R. Yazzie as probationary District Court Judge to be unsatisfactory.

9  
10 **Section Three. Denial of recommendation for Permanent Appointment; Removal**

11 A. The Law and Order Committee hereby denies the recommendation of permanent  
12 appointment of Victoria R. Yazzie as Navajo Nation District Court Judge. Pursuant  
13 to Navajo Nation law, the President shall provide notice of this action of the  
14 committee and remove Victoria R. Yazzie as District Court Judge.

15 B. The Office of Legislative Services shall immediately submit all documents containing  
16 the record to the Office of the President, Navajo Nation. Such documents contain  
17 personnel matters and confidential information, such as social security numbers. For  
18 this purpose, it shall be deemed confidential, unless appropriate consent for disclosure  
19 is provided. Testimony obtained through public hearings shall be deemed public  
20 information (except any portions protected by law).